

ANDREW A. LOTHSON*
SWANSON, MARTIN & BELL, LLP
330 N. Wabash
Suite 3300
Chicago, IL 60611
alothson@smbtrials.com

GARY C. PINTER
SWANSON, MARTIN & BELL, LLP
103 W. Vandalia Street
Suite 215
Edwardsville, IL 62025
(618) 655-3131
gpinter@smbtrials.com

PAUL D. CLEMENT*
ERIN E. MURPHY*
MATTHEW D. ROWEN*
NICHOLAS AQUART *
CLEMENT & MURPHY, PLLC
706 Duke Street
Alexandria, VA 22314
(202) 742-8900

Counsel for Plaintiffs

**Pro hac vice*

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

CALEB BARNETT, BRIAN NORMAN,
HOOD'S GUNS & MORE, PRO GUN AND
INDOOR RANGE, and NATIONAL
SHOOTING SPORTS FOUNDATION,
INC.,

Plaintiffs,

v.

KWAME RAOUL, Attorney General of
Illinois, and BRENDAN F. KELLY,
Director of the Illinois State Police,

Defendants.

Case No. 3:23-cv-209-SPM

Declaration of Paul Smith on Behalf of Plaintiff Pro Gun And Indoor Range:

I, Paul Smith, hereby declare as follows:

1. I am over the age of 18 years, and I am qualified to submit this declaration on behalf of Pro Gun And Indoor Range (“Pro Gun”).

2. I am the owner of Pro Gun, a retail firearms business located in Marion, Illinois. I have co-owned and operated Pro Gun since approximately 2016.

3. I have personal knowledge of the facts set forth in this declaration through direct involvement and by personally reviewing Pro Gun’s records and information.

4. Pro Gun is authorized by law to sell firearms as a Federal Firearms Licensee (FFL 01) licensed by the Bureau of Alcohol, Tobacco, Firearms and Explosives.

5. For the past several years, Pro Gun has sold and transferred thousands of firearms, including many based on the Armalite Rifle (“AR”) platform, that are now defined as “assault weapons” and deemed unlawful under the Protect Illinois Communities Act, House Bill 5471 (“HB 5471”), 720 ILCS 5/24-1.9, including those listed in the document produced at NSSF002059-002307.

6. In addition to selling firearms and other products, Pro Gun has long sold magazines that hold more than 10 or 15 rounds and now are defined as “large capacity ammunition feeding devices” and deemed unlawful under HB 5471, including those that come standard with the firearms listed in the document produced at NSSF002059-002307.

7. In recent years, more than half of Pro Gun’s revenue from sales has been attributable to sales of firearms, magazines, and component parts and accessories now deemed unlawful under HB 5471.

8. I have no reason to believe that 2023 or 2024 would have been materially different in terms of Pro Gun sales, but for HB 5471.

9. Pro Gun currently has in its inventory tens of thousands of dollars' worth of firearms and magazines that, under HB 5471, are not unlawful to sell in Illinois, including a number of firearms on the AR platform and many AR accessories.

10. But for HB 5471, Pro Gun would sell those products to consumers in Illinois.

11. HB 5471 has already cost Pro Gun considerable money in lost firearm and magazine sales.

12. Absent an injunction Pro Gun will continue to suffer irreparable harm in the form of lost business.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 12th day of July 2024.

By: /s/ Paul Smith
Paul Smith